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REMARKSI. General

The issues outstanding in the instant application are as follows:

- The restriction requirement has been improperly made final; and
- Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Huang, U.S. Pat. No. 6,318,763 (hereinafter *Huang*) in view of Salyers, U.S. Pat. No. 5,709,413 (hereinafter *Salyers*).

Applicant respectfully traverses these requirements and rejections and requests reconsideration for the reasons presented below. Claims 1-6 are currently pending in this application, with claim 6 withdrawn from consideration.

II. Restriction Requirement

The Office Action has improperly made the restriction requirement, first presented in the final Office Action mailed on April 4, 2006 and reiterated in the separate restriction requirement mailed on March 9, 2007, final. As noted in the responses to each of these restriction requirements, the Examiner has already examined all of claims 1-6 and opined as to their patentability in the Office Action of July 6, 2004. The amendments made to claim 6 in Applicant's September 16, 2005 Amendment includes limitations speaking to a collar, similar to limitations already present in the other independent claims. Therefore, Applicant again respectfully asserts that there is no serious burden on the Examiner to examine all of the claims, as he has already searched and examined all of the claims and their various limitations. As previously noted M.P.E.P. § 803 requires: "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

Additionally, M.P.E.P. § 811 states:

the examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops. Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.

Hence, Applicant respectfully asserts that since, as discussed above, it would not present a serious burden for the Examiner to examine all of the pending claims it was improper for the Examiner to present this restriction so late in the examination of this application.

In light of each of the foregoing defects in the restriction requirements, Applicant respectfully asserts that the restriction requirement should be withdrawn and that claim 6 should be examined on the merits.

III. Rejections Under 35 U.S.C. § 103.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Huang* in view of *Salysers*. Applicant respectfully traverses these rejections.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the second criterion, Applicant respectfully asserts that the rejection fails to satisfy the first and third criteria.

A. The combination fails to teach all elements of the claims.

Independent claims 1, 2 and 4 each recite "said collar support portion including... an axial stop ring." The Office Action indicates an unnamed and unnumbered ridge in *Huang* as teaching the recited axial stop ring. However Applicant notes that the indicated ridge clearly acts as a stop for inserted hose 20 of *Huang*.

Further, Applicant notes that the ridge indicated by the Office Action as teaching the presently claimed axial stop ring is not a part of any portion of the *Huang* fitting that can be characterized as a collar support portion. Applicant respectfully asserts that the portion of the *Huang* fitting that defines the indicated ridge can, at best, be characterized as corresponding to the claimed hose insert portion. Thus, *Huang* fails to teach at least "said collar support portion including... an axial stop ring," as recited by independent claims 1, 2 and 4.

The independent claims further recite "said ferrule support portion adapted to be staked in such a manner that said inner periphery extending through said ferrule support portion communicates with said axial stop ring in an axial movement limiting manner." Applicant respectfully points out that neither Figure 4, none of the other Figures of *Huang*, nor the text of *Huang* show, teach or suggest that a portion of locking sleeve 14 of *Huang* may be staked such that an inner periphery of the locking sleeve would contact or otherwise communicate with the indicated stop ring. In fact, in each of Figures 3 and 4 of *Huang* the portion of locking sleeve 14, shown as deflected inward is spaced apart from the indicated stop ring. Thus, *Huang* clearly fails to teach or suggest "said ferrule support portion adapted to be staked such that said inner periphery extending through said ferrule support portion communicates with said axial stop ring in an axial movement limiting manner, as recited by each of independent claims 1, 2 and 4.

Whereas *Huang* fails to teach or suggest "said collar support portion including... an axial stop ring" and/or "said ferrule support portion adapted to be staked in such a manner that said inner periphery extending through said ferrule support portion communicates with said axial stop ring in an axial movement limiting manner" as recited in independent claims 1, 2 and 4, and *Salyers* is not relied on as teaching these elements, Applicant respectfully asserts that independent claims 1, 2 and 4 are patentable over the 35 U.S.C. § 103 rejections of record.

Claim 3 depends directly from independent claim 2 and claim 5 depends directly from independent claim 4. Thus, each of claims 3 and 5 inherit all elements of respective claims 2 and 4. Therefore, for at least the reasons advanced above in addressing the rejections of claims 2 and 4, each of claims 3 and 5 set forth features and elements not recited by the combination of *Huang* and *Salyers*. Hence, Applicant respectfully asserts that claims 3 and 5 are also patentable over the 35 U.S.C. § 103 rejections of record.

B. The Office Action does not provide the requisite motivation.

In addressing claim 1, the Office Action admits that *Huang* does not teach "the collar support portion including knurling". The Office Action attempts to cure this deficiency by introducing *Salyers*, which the Office Action alleges to teach this element. The motivation for making the modification was presented as follows:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute splines with knurling, so that the tubing is effectively gripped, as taught by *Salyers*.

It is well settled that the fact that references can be combined or modified is not sufficient to establish a prima facie case of obviousness, M.P.E.P. § 2143.01. In this case, as pointed out by the Office Action *Salyers* teaches use of knurling 724 to facilitate grip of tube 64. However, the splines of *Huang* and the knurling of the present claims are employed to communicate with a torque communication portion of a collar, or the like. Thus, the motivation presented for combining *Huang* and *Salyers* is insufficient and improper and at best merely a statement that the reference can be combined. The mere fact that references can be combined does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. In *re Mills*, 916 F.2d 680, 16 USPQ.2d 1430 (Fed. Cir. 1990), as cited in M.P.E.P. § 2143.01. Further, no "apparent reason to combine the know elements in the fashion claimed" has been presented as required by *KSR Int'l. Co. v. Teleflex, Inc.* (See slip opinion at pg. 14 and USPTO Memorandum from the Deputy Commissioner for Patent Operations dated May 3, 2007.) Resultantly, the rejection of claims 1-5 should be withdrawn for failure to provide the necessary motivation to combine *Huang* and *Salyers*.

VI. Conclusion

For at least the reasons given above, Applicant submits that the restriction requirement should be withdrawn and hence claim 6 should be examined on the merits. Further Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. § 103. Accordingly, Applicant submits that this application should be found in condition for full allowance.

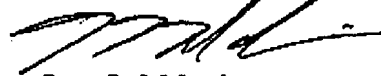
The fees necessary for the accompanying Petition for a one-month extension of time are dealt with in the Petition itself. Applicant believes no further fee is due with this response. However, if any additional fee is due, please charge Deposit Account No. 07-0475, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

Dated: October 5, 2007

JLM
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Respectfully submitted,



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